

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RONNIE WHERRY,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-15-0887-HE
	)	
A. PEARSON, and P. COLLINS,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Ronnie Wherry, a prisoner appearing *pro se* and *in forma pauperis*, brought this action under 42 U.S.C. § 1983 against defendant correctional officer A. Pearson, alleging violation of his Eighth Amendment rights while he was housed at the North Fork Correctional Facility. He also seeks to recover for damages from defendant inmate P. Collins for an assault allegedly resulting from Pearson's negligence. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin, who recommends the case be dismissed for failure to comply with the court's orders to furnish either proof of service of process or the necessary copies to effect that service. Plaintiff was granted until August 1, 2016, to object to the report and recommendation, but has not responded in any way to either the court's order or the report and recommendation.

Plaintiff has, therefore, waived any right to appellate review of the factual or legal issues addressed in the report and recommendation. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation [Doc. # 16] and **DISMISSES**

this case without prejudice.

**IT IS SO ORDERED.**

Dated this 7th day of September, 2016.

  
\_\_\_\_\_  
JOE HEATON  
CHIEF U.S. DISTRICT JUDGE